

**DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN**

WILNICK DOVAL,)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:20-cv-00005
)	
GARY DAVIS, CAROL MERTENS, and)	
RICHARD JOHNSON,)	
)	
Defendants.)	
)	
)	

ORDER

THIS MATTER comes before the Court via *sua sponte* review. On August 11, 2021, the Court issued an order denying Plaintiff Wilnick Dorval's ("Dorval") request to proceed in forma pauperis. (ECF No. 9.) The Court further ordered Dorval to pay the appropriate fees no later than twenty-one (21) days after the date of the order if he wished to proceed, failing which the court would dismiss this action.

When a party is served by mail pursuant to Fed. R. Civ. P. 5(b)(2)(C) ("A paper is served under this rule by . . . mailing it to the person's last known address—in which event service is complete upon mailing"), the 21-day time period within which a party may respond is extended to 24 days. *See* Fed. R. Civ. P. 6(d) ("When a party may or must act within a specified time after being served and service is made under Rule 5(b)(2)(C) (mail) . . . 3 days are added after the period would otherwise expire under Rule 6(a)."); The Court served Dorval with a copy of the order by mail on August 12, 2021. *See* Hard Copy Notice, ECF No. 10. As such, the deadline for Dorval to respond to the August 11, 2021 order was September 5, 2021. Dorval has not paid the appropriate fees to proceed with the action.

Dorval v. Davis et al.

Case No. 3:20-cv-05

Order

Page 2 of 2

The premises considered, it is hereby

ORDERED that the Court shall **DISMISS** this case; and it is further

ORDERED that the Clerk of Court shall **CLOSE** this case.

Dated: September 8, 2021

/s/ Robert A. Molloy

ROBERT A. MOLLOY

Chief Judge